

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:) Date: February 3, 2009
Erik D.N. Monsen, et al.) Attorney Docket No.: F-803
Serial No.: 10/814,420) Customer No.: 00919
Filed: March 31, 2004) Group Art Unit: 3628
Confirmation No.: 5680) Examiner: Shannon S. Saliard
Title: MANIFESTING MAIL FOR LEGAL ELECTRONIC PROOF OF INDUCTION/ACCEPTANCE	

APPELLANT'S BRIEF

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on January 5, 2009.

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I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There are no related Appeals and Interferences.

III. Status of Claims

- A) Claims 1 – 3 and 5 - 24 are in the application.
- B) Claim 4 has been cancelled
- C) Claims 1 – 3 and 5 - 24 are rejected.
- D) Claims 1 – 3 and 5 - 24 are on appeal.

IV. Status of Amendments

An Amendment subsequent to the October 6, 2008, Final Rejection was filed on December 9, 2008. This Amendment was not entered.

V. Summary of Claimed Subject Matter

The claimed invention relates to a method, for providing an inexpensive and time-saving method for electronic proof of induction/acceptance for manifested special service mail.

Claim 1 is the only independent claims in this application. Claim 1 is a method for providing proof of mailing one or more mail pieces by a mailer, that are submitted by a mailer to a post office in a bundle or in a tray. The method comprises the following steps.

- (a) placing an identification code (Fig. 1, 15 paragraph 020, page 5) on

individual mail pieces (Fig. 1, 11) with a postage meter (Fig. 1, 12) at a location other than the post office, wherein the identification code identifies a sender of the mail piece a service requested for the mail piece and uniquely identifies individual mail pieces;

(b) placing the identification codes of the mail pieces in a manifest; (Fig. 1, 70 paragraph 021, page 5)

(c) transmitting the identification codes to a data center; (paragraph 022, page 6)

(d) depositing one or more mail pieces and the manifest with the post office at the post office or at a location other than the post office; (paragraph 021, page 6)

(e) attempting reading by the post office at a location other than the post office or at the post office the identification codes in the manifest; (paragraph 021, page 6)

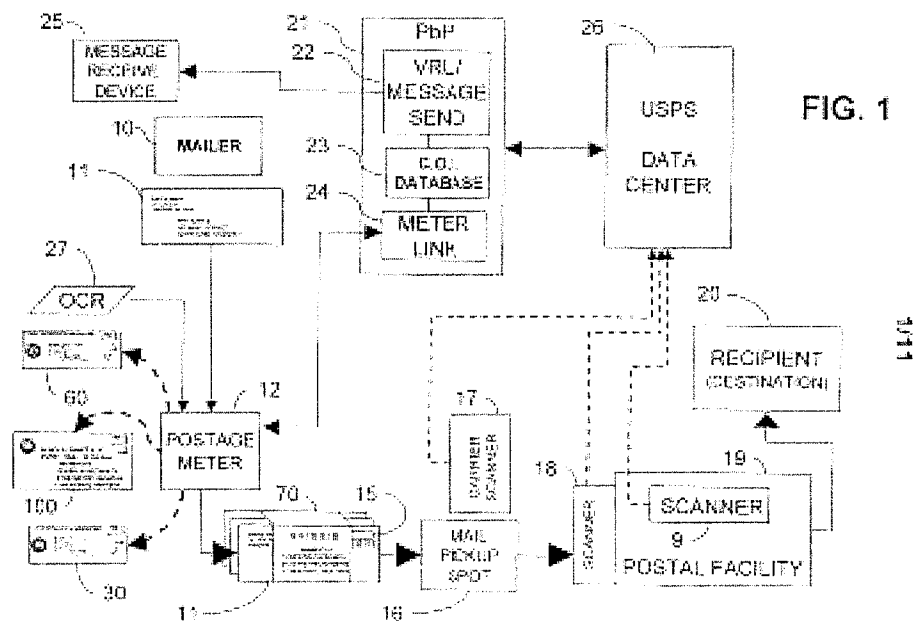
(f) attempting reading by the post office at a location other than the post office or at the post office the identification code that is on one more mail pieces; (paragraph 021, page 6)

(g) retrieving the identification codes from the data center and the identification codes read by the post office; (paragraphs 023 and 024, pages 6 - 7)

(h) notifying the postage meter that individual identification codes have been received by the data center and individual mail pieces identification codes have been read or not read by the post office; (paragraph 037, pages 13 - 14) and

(i) printing at the postage meter a certificate indicating the identification code that has been read by the post office and the service requested for the mail piece (paragraph 025, page 7).

Appellant's invention is shown in paragraph 020 of page 5 to paragraph 025 of page 7 and paragraph 0036 of page 13 of Appellant's Patent application. Claim 1 is also illustrated in Figs. 1 and 5A.



[020] Fig. 1 shows a mailer 10 who is going to mail a mail piece 11. The mailer 10 uses a postage meter 12 to pay the postage for mailing mail piece 11. Meter 12 may be an electronic meter manufactured by Pitney Bowes Inc. of 1 Elmcroft Road, Stamford, CT, or a personal computer postage meter system with a secure data storage device manufactured by Pitney Bowes Inc. of 1 Elmcroft Road, Stamford, CT. An optical character recognition scanner 27 reads the recipient's address on mail piece 11, or the user of meter 12 enters the recipient's address into meter 12. Mail piece 11 contains a unique identification code 15, i.e., the meter serial number and the date and time that a postal indicia was affixed to mail piece 11 (mail piece 11 is more fully described in the descriptions of Figs. 4A and 4B). Unique identification code 15 may include the above with or without a United States Special Service Tracking Number 8, which is a unique identification code that is described in the description of Figs. 4A – 4B. Unique codes 8 and 15 may also be contained in a radio frequency identification tag. The United States Special Service Tracking Number 8 may be assigned to mailers by the USPS, created by meter 12, placed on labels provided by the USPS, or created by meter 12 or data center 21.

[021] Meter 12 places adequate postage on mail pieces 11 and prints a manifest 70 (Fig. 7). The mailer 10 binds mail pieces 11 with manifest 70 and submits manifest 70 along with mail pieces 11 to a USPS mail pick up spot 16. A hand-held scanner 17 may read unique manifest 70 at mail pick up spot 16, or a scanner 18 may read manifest 70 at entry USPS facility 19. A scanner 9 at entry postal facility 19 may read the identification codes 15 on mail pieces 11. Facility 19 will process mail piece 11 and deliver it to the recipient's destination 20.

[022] Meter 12 is coupled to a data processing center such as Pitney Bowes Postage By Phone data center 21. Data center 21 contains a message sending device 22, i.e., voice response unit, telephone, facsimile, e-mail, etc., a certificate of induction process/database 23, and a meter link 24. Meter 12 is coupled to messaging receiving device 25, i.e., telephone, facsimile, e-mail. Data center 21 is also coupled to USPS data center 26.

[023] A plurality of meters 12 may upload the unique identification code 15 that is placed on a specific mail piece 11 to meter link 24. Meter link 24 transfers the identification codes to certificate of induction process/ database 23. From time to time, process/database 23 is used to produce a batch file from identification codes 15 that it has received from a plurality of meters 12. The batch file is transmitted to USPS data center 26.

[024] After scanners 17 and/or 18 read manifest 70, the information contained in manifest 70 is sent to USPS data center 26. Data center 26 stores the information contained in manifest 70.

[025] After scanner 9 reads identification codes 15, identification codes 15 are processed and transmitted to USPS data center 26. Data center 26 stores the identification codes 15 that it receives from scanners 17 and/or 18, and performs a matching process with the identification codes 15 that it receives from certificate of induction process/database 23. A batch file of those matches is produced by data

center 26 and is sent to process/database 23. Then, each matched identification code 15 produces a digitally signed message that indicates the USPS has noted the entry of the mail piece 11 that has identification code 15 affixed thereto. The digitally signed message is sent to meter 12 where it is stored in the meter's non-volatile memory awaiting mailer's 10 command to print a certificate of induction 30, which will be described in the description of Fig. 5A, on a paper tape. Meter 12 may also print on a paper tape (not shown) a certificate of non-induction 60 which will be described in the description of Fig. 5B. Process/data base 23 is coupled to messaging sending device 22 to provide and store a message announcing the arrival of a certificate of induction 30 being available at meter 12. The message may also be sent to the user of meter 12 via messaging device 25, i.e., e-mail, facsimile, telephone, etc.

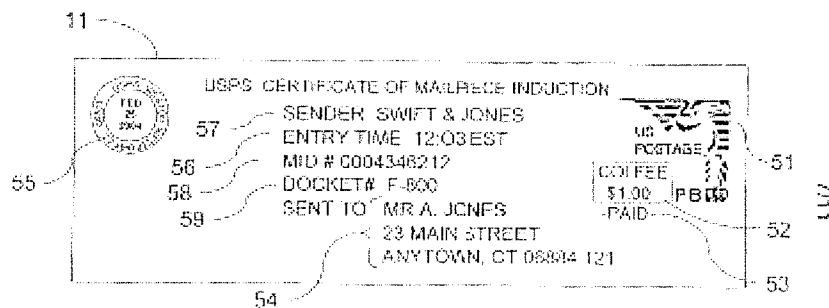


FIG. 5A

[036] Fig. 5A is a drawing of certificate of induction 30 indicating that a scanner of the post office has read unique identification code 15 on mail piece 11, which unique identification code 15 indicates that mail piece 11 has entered the delivery process. Certificate of induction 30 contains eagle 51, the fee for the certificate of induction 52, an indication that it has been paid 53, the recipient's name and address 54, a seal (round stamp) 55 of the entering post office that indicates the date of receipt of mail piece 11, the time 56 a scanner controlled by the post office read unique identification code 15, the serial number 58 of meter 12 indicating that a secure message was received from meter 12, the sender's name 57, and the mailer's docket number 59, which will remind the mailer to place certificate of induction in the correct file. It would be obvious to one skilled in the art that the sender's address may also be included, because the licensee's name and address of meter 12 is known to data center 21.

VI. Grounds of Rejection to be Reviewed on Appeal

A. Whether or not claims 1-3, 5, 6, 8, 10, and 12-15 and 24 are patentable under 35 USC § 103(a) over Lee et al. (U.S. Patent 6,430,543) in view of Ryan, Jr. (U.S. Publication No. 2002/0026430 in view of Gawler (U.S. Publication No. 2002/0010687) and Pintsov, Jr. (U.S. Patent No. 6,463,354).

B. Whether or not claims 7, 11, 17-19, and 21 are patentable under 35 USC § 103(a) over Lee in view of Ryan (U.S. Publication No. 2002/0026430), Gawler and Pintsov U.S. Patent (6,463,354).and further in view of Montgomery (U.S. Publication 2003/0101147).

C. Whether or not claims 9 and 20 are patentable under 35 USC § 103(a) over Lee et al. in view of Ryan (U.S.,. Publication No. 2002/0026430), Gawler and Pintsov (U.S. Patent 6,463,354) further in view of the Official Notice, and Pinstov (U.S. Patent No. 6,463,354).

D. Whether or not claims 22 and 23 are patentable under 35 USC § 103(a) over Lee et. al. in view of Ryan (U.S. Publication 2002/002643) Gawler and Montgomer, Pintsovy and further in view of Dlugos (U.S. Patent 5,153,842).

VII. Argument

A. Claims 1-3, 5, 6, 8, 10, and 12-15 and 24 have been rejected by the Examiner under 35 USC § 103(a) over Lee et al. (U.S. Patent 6,430,543) in view of Ryan, Jr. (U.S. Publication No. 2002/0026430 in view of Gawler (U.S. Publication No. 2002/0010687) and Pintsov, Jr. (U.S. Patent No. 6,463,354).

Lee discloses the following in col. 3, lines 19-25.

"The assembled mailpiece is then fed to printer 110 where a digital postage mark (DPM) (or indicia) is imprinted thereon. Subsequent to the printing of the DPM, the individual mailpieces 119, each having a unique DPM 120, are sent as a batch of mail "B" together with a SOM 122 to a carrier network facility 124 (in this case the postal service) for acceptance."

Lee discloses the following in col. 5, lines 30-48.

"Referring to FIG. 4, an enlarged view of a single mailpiece 119 having an address block 161 and the digital postage mark 120 is shown. In the instant invention the digital postage mark 120 includes the mailpiece serial number 158, the vault ID 148, the validation codes 160, the date

150 of submission, and optionally the postage amount 162 and an error detection code 164. The digital postage mark 120 while shown in alphanumeric form can also be in a bar code format (linear or two dimensional) or both.

Referring to FIGS. 1 and 5, the operation of the inventive system 100 will be described. At step S1 the inserter system 102 produces a batch of mail "B" including individual mailpieces 119 which each have a digital postage mark 120 thereon. The batch of mail "B" is delivered together with the SOM 122 to the carrier network facility 124 (step S3) where a postal clerk authenticates the SOM 122 and performs a total weight and weight distribution analysis for the batch of mail "B" as described in the '650 patent (step S5) to attempt to detect unaccounted and unpaid for mailpieces."

Lee discloses a digital postage mark 120 that includes the mailpiece serial number 158, the vault ID 148, the validation code 160, the date 150 of submission, the postage amount 162 and an error detection code 164.

Lee discloses the following in Col. 4 line 20-49

The invention of claim 1 overcomes the deficiencies of the '650 patent by creating and sending for each batch of mail "B" the SEM 136. Preferably the SEM 136 is sent electronically to the carrier data center 140 (and a provider data center (not shown) for redundancy purposes (if desired)) which is remotely located from both the inserter system 102 and the carrier facility 124 to which the batch of mail "B" is delivered. However, the SEM 136 could alternatively be a printed document or other tangible medium within which information can be conveyed, such as for example a CD ROM or a floppy diskette.

Referring to FIG. 3, the SEM 136 is shown in detail to include header information 142 which includes a SEM file serial number 144, a mailer ID 146, a vault ID 148, the date 150 of the submission of the batch of mail "B", and the address and postal code 152 of the carrier facility 140 at which the batch of mail "B" is delivered. A second portion of the SEM file 136 includes specific SEM data 154 associated with a particular batch of mail "B". SEM data 154 includes a mailpiece ID range 156 which identifies the mailpiece serial counter range of all of the mailpieces 119 in the batch of mail "B", each individual mailpiece serial number 158, and a corresponding randomly generated validation code 160 specifically associated with each mailpiece serial number 158. Although not shown, vault 114 includes a random number generator to generate and associate the randomly generated validation code 160 with a specific mailpiece serial number 158. Thus, the SEM 136 creates a record for each individual mailpiece 119 included as part of the batch of mail "B".

Lee discloses the following in col. 5 lines 39 to col. 6 line 9.

Referring to FIG. 4, an enlarged view of a single mailpiece 119 having an address block 161 and the digital postage mark 120 is shown. In the instant invention the digital postage mark 120 includes the mailpiece serial number 158, the vault ID 148, the validation codes 160, the date 150 of submission, and optionally the postage amount 162 and an error detection code 164. The digital postage mark 120 while shown in alphanumeric form can also be in a bar code format (linear or two dimensional) or both.

Referring to FIGS. 1 and 5, the operation of the inventive system 100 will be described. At step S1 the inserter system 102 produces a batch of mail "B" including individual mailpieces 119 which each have a digital postage mark 120 thereon. The batch of mail "B" is delivered together with the SOM 122 to the carrier network facility 124 (step S3) where a postal clerk authenticates the SOM 122 and performs a total weight and weight distribution analysis for the batch of mail "B" as described in the '650 patent (step S5) to attempt to detect unaccounted and unpaid for mailpieces. Next, either at the network facility 124 (or at another location within the carrier network), individual mailpieces 119 are selected based on a sampling rate for further analysis (step S7). For each selected mailpiece the vault ID 148, mailpiece serial number 158, validation code 160, and date 150 are either read from the digital postage mark 120 and entered via a keyboard into a computer 165 residing at the sampling location or are directly scanned off the mailpiece 119 and directly sent to the aforementioned computer 165 (step S9). At each site where mailpiece sampling is done, a site verification file 166 is compiled containing all of the information obtained from the digital postage marks 120 of the sampled mailpieces 119. The site verification file 166 is preferably sent via a telecommunications network 168 to the data center 140 (step S11).

Returning to step S1, at the time the SOM 122 is created, the SEM 136 is also created within the vault 114. The SEM together with a digital signature and a public key certificate are sent via the communications network 139 to the data center 140. The individual SEM 136 files are stored within an SOM database 141 within the data center 140 (step S2). At the data center 140, corresponding SEM files 136 for each mailpiece 119 in the verification file 166 are retrieved by the data center computer 169 based on the vault ID 148 and the date of mailing 150 (step S13). At step S15, the computer 169 compares the digital postage mark data 120 for each mailpiece 119 in the verification file with the mailpiece 119 data in the corresponding SEM file 136.

Lee discloses a SEM file 136 that includes specific SEM data associated with a particular batch of mail "B". SEM data 154 includes a mailpiece ID range 156 which identifies the mailpiece serial counter range of all the mailpiece 119, in the batch of mail B.

Ryan discloses the following in paragraph 0029.

[0029] Referring to FIG. 2 in view of FIG. 1, a more detailed view of the postal indicium 30 printed by the postage metering system 25 is shown. Since the postal indicium 30 does not constitute a part of the present invention, the following description is being provided with respect to a particular type of postal indicium 30 by way of background. Generally, the postal indicium 30 includes both fixed data that does not change from indicium to indicium and variable data that may change. The fixed and variable data may change depending upon postal authority requirements and the needs of the postage system manufacturer, but generally can be summarized as follows. The fixed data includes a graphic design 31 (an eagle with stars and US POSTAGE), a meter serial number 32 uniquely identifying the postage meter (not shown) that produced the postal indicium 30, a licensing post office ID (Zip Code) 33 and an optional facer identification mark (FIM) 34 used during post office processing. The variable data includes a date 35 indicating when the postage was dispensed, a postal value 36 indicating an amount of postage, an indication of a service class (first class, bulk rate, priority, overnight, certified, etc.) that has been selected for the mail piece 20, a bar code 37 containing both elements of both fixed and variable data and, in the most preferred embodiment, authentication information 38. The bar code 37 may be of any conventional format and is provided for the purpose of improving machine readability and increasing automated processing for the mail piece 20. Generally, the authentication information 38 is an encrypted message, such as a digital signature, digital token or other data, derived from the information contained with the postal indicium 30. The authentication information 38 may be in any format, such as: alphanumeric string, bar code or the like. Most preferably, the authentication information 38 is incorporated into the bar code 37. Using the authentication information 38 and other data contained within the postal indicium 30, the postal authority can verify the authenticity of the postal indicium 30 using conventional techniques. Thus, the postal indicium 30 may also be classified as containing authentication information 38 and non-authentication information 31-37 and 39.

Ryan discloses placing an identification code on a mail piece that includes an indication of a service class (First class bulk rate, priority overnight, certified, etc.).

Gawler discloses the following in paragraph 0068-0073.

"[0068] The system may be utilized by a mailer to prepare individual mail items 30 or batches of mail items 30, each batch of mail having an identification and mail items 30 within a batch of mail having an item count within the batch. If desired, a batch of mail may be sub-divided into sub-batches, and, where the term batch is used herein, the term batch is to be understood as including a batch or a sub-batch of mail. In handling a batch of mail, it is required that messages pass between the mail

preparation system of the mailer and a postal authority that is to receive and distribute the batch of mail.

[0069] The handling of a batch of mail is effected in phases. The first phase, known as an announcement phase, relates to the preparation of a batch of mail items 30, and the second phase, which follows the first phase, known as an induction phase, relates to the handling of a completed batch of mail items 30 by the postal authority.

[0070] In the announcement phase, a 'Pre-Announcement Message' may be sent by the mailer to the postal authority, informing the postal authority of the intent of the mailer to prepare a batch of mail. When a batch of mail has been prepared and completed, a 'Full Announcement Message' comprising a statement of the mailing, which provides information relating to the mail items 30 contained in the batch, is sent by the mailer to the postal authority. During the preparation of the batch of mail, it is possible that some of the mail items 30 may suffer damage or be otherwise spoilt, and thus withdrawn from the batch of mail. In this case, a 'Modified Announcement Message', which provides information relating to the modification of the batch of mail as a result of the withdrawal of mail items 30, is sent by the mailer to the postal authority.

[0071] When a batch of mail has been completed and is ready for collection from the mailer or for delivery to the postal authority, the induction phase is initiated and an 'Induction Advised Message' is sent to the postal authority.

The 'Induction Advised Message' informs the postal authority that an identified batch of mail is ready for collection from the mailer or for delivery to the postal authority.

[0072] When a message sent by the mailer is received by the postal authority, the postal authority sends back an 'Acknowledgement Receipt Message' to the mailer, whereby the mailer is assured that the information in that message has been received by the postal authority.

[0073] When the postal authority has collected the batch of mail or the batch of mail has been delivered to the postal authority, and the batch of mail has been officially received by the postal authority, for example, at a postal authority sorting depot, the postal authority sends an 'Induction Acceptance Message' to the mailer, informing the mailer that the batch of mail has been received by the postal authority. After receipt of the batch of mail, the postal authority may carry out checks on the batch of mail to ensure that the physical batch of mail corresponds to the listing of the mail items 30 in the 'Full Announcement Message', and, when the postal authority has checked the postage indicia on the mail items 30 in the batch of mail and is satisfied that the postage charge data meets the postal authority acceptance criteria, the postal authority sends an 'Agreed Message' to the mailer."

Gawler discloses the induction and acceptance of batches of mail.

Gawler discloses the following in paragraph 0075.

[0075] It will be appreciated that a number of different batches of mail may be at different stages in the announcement and induction phases. As such, it is desirable to be able easily to determine the stage reached by any batch of mail and to check that there has not been a failure in the communication of any of the messages.

Gawler disclose that it is desirable to be able to easily determine the stage reached by any batch of mail.

Pintsov discloses the following in col. 5, lines 5-25.

“Delivery means 160 includes a scanner 162 for scanning DPM 12 at the time of delivery. In accordance with the present invention, postal distribution network 100 further includes a digital data capture computer 170 that is optionally coupled to one or more of the aforementioned components of the postal distribution network 100 for the purpose of capturing information, including value-added services information such as notification to recipient of upcoming delivery, that is read from the DPM of the mail item being processed. As information is captured by digital data capture computer 170, a mail item file 200 (described in detail below) is created. Depending on the value-added services being processed, digital data capture computer 170 communicates through a public electronic communications network 250 with mailer's computer system 10, recipient's computer 32 or a third party computer 300. Communications network 250 may be any conventional communications network, such as the Internet or a cellular/conventional telephonic network, or any combination thereof depending on the type of communication information read from the DPM.”

Pintsov discloses the following in lines 36-50 of col. 5

“Mail item file 200 further includes various data elements 320 that are optionally captured depending on the value-added services requested. Data elements 320 may include induction time 330 and induction address 332 indicating when and where mail item 14 enters the postal distribution network 100, intermediate times 340 and addresses 342 indicating various stages of processing within the postal distribution network 100, and delivery time 350 and delivery address 352 indicating when and where the mail item leaves the postal distribution network 100. Data elements 320 may further include information captured when the DPM 12 was read, such as a hash 360 of the contents of mail item 14 and a digital signature and/or certificate 370. “

Pintsov's digital data capture 170 communicates with a mailer's computer 110 information regarding data elements 320. Elements 320 include induction time 330, induction address 332, postal distribution network 100, intermediate times 340 and address 342, various stages of processing 100, delivery time 350, delivery address 352, hash 360, digital signature and/or certificate 370.

The art cited by the examiner do not disclose or anticipate steps a and i of claim namely

- (a) placing an identification code on individual mail pieces with a postage meter at a location other than the post office, wherein the identification code identifies a sender of the mail piece a service requested for the mail piece and uniquely identifies individual mail pieces;
- (i) printing at the postage meter a certificate indicating the identification code that has been read by the post office and the service requested for the mail piece.

Notwithstanding the foregoing, in rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *In re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S.Ct. 1727, 1735 (2007) ("[R]jections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (quoting Kahn, 441 F.3d at 988)). See also, *Takeda Chem. Indus., Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1357 (Fed. Cir. 2007) (To avoid improper use of hindsight, the Examiner must articulate "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination.

(quoting *KSR*, 127 S. Ct. at 1731)).

See also, *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006) (Most inventions arise from a combination of old elements and each element may often be found in the prior art. However, mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole).

B. Claims 7, 11, 17-19, and 21 have been rejected by the Examiner under 36 USC § 103(a) over Lee in view of Ryan (U.S. Publication No. 2002/0026430), Gawler and Pintsov U.S. Patent (6,463,354) and further in view of Montgomery (U.S. Publication 2003/0101147).

In addition to the arguments made in above Section A please consider the following.

Claim 7

Claim 7 depends on claim 1. Claim 7 adds the following step to claim 1: printing at the postage meter a certificate indicating that the identification code and the service request has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter.

Montgomery (U.S. Publication 2003/0101147).

Montgomery discloses the following in paragraph 0186.

"[0186] At steps 1222 and 1224, the centralized postage-issuing computer system 386 receives the confirmatory delivery status information from the master tracking computer system 310 and updates the delivery status within the stored postage transaction information with the confirmatory delivery status information. In particular, the communications interface 1222, under control of the communications module 1234, receives the confirmatory delivery status information over the communications link 396 (step 1222). The database management module 1136 then updates the delivery status within the postage database 1130 (step 1224). If the confirmatory delivery status information indicates that the mail piece carrying the tracking ID has been delivered, the delivery status associated with that tracking ID will be updated as delivered. If the confirmatory delivery status information indicates that the mail piece carrying the tracking ID has not been delivered, the delivery status associated with that tracking ID will be updated as not delivered."

Montgomery discloses providing information regarding the delivery status associated with tracking numbers on mail pieces that have not been delivered.

The art cited by the Examiner do not disclose or anticipate printing at the postage meter a certificate indicating that the identification code and the service request has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter.

Claim 11

Claim 11 depends on claim 10 and claim 10 depends on claim 1. Claim 10 and 11 add the following steps to claim 1: (a) printing a postal indicia on the mail piece for the payment of postage and any related postal fees; (b) charging the postage meter for printing the postal indicia and refunding the postage meter account for part or all of the postage and fees that have been placed on mail pieces having identification codes that have not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter.

The art cited by the Examiner does not disclose or anticipate refunding the postage meter account for part or all of the postage and fees that have been placed on mail pieces having identification codes that have not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter.

Claim 17

The art cited by the Examiner does not disclose or anticipate printing the mailer's name on the certificate of induction as claimed in claim 17.

Claim 18

The art cited by the Examiner also does not disclose or anticipate printing at the postage meter a certificate indicating that the identification code has been read by the post office; and (b) printing the mailer's reference number on the certificate of induction as claimed in claim 18.

Claim 19

The art cited by the Examiner also does not disclose or anticipate printing
The mailer's name on the certificate of induction as claimed in claim 19.

Claim 21

The art cited by the Examiner also does not disclose or anticipate printing printing at the postage meter a certificate indicating the identification codes from the manifest that has been read by the post office.

C. Claims 9 and 20 have been rejected by the Examiner under 35 USC § 103(a) over Lee et al. in view of Ryan (U.S. Publication No. 2002/0026430), Gawler and Pintsov (U.S. Patent 6,463,354) further in view of the Official Notice, and Pinstov (U.S. Patent No. 6,463,354).

Claims 9 and 20 depend on claim 1, in addition to the arguments made in above Section A, please consider the following.

The art cited by the Examiner and the Official Notice do not disclose or anticipate steps a and i of claim 1.

D. Claims 22 and 23 have been rejected by the Examiner under 36 USC § 103(a) over Lee et. al. in view of Ryan (U.S. Publication 2002/002643) Gawler and Montgomery, Pintsovy and further in view of Dlugos (U.S. Patent 5,153,842).

In addition to the arguments made in above Section A please consider the following.

Claims 22 and 23 depend on claim 21, which depends on claim 1.

Dlugos discloses the following in col. 13, lines 34-50.

"Advantageously, the carrier's truck is equipped with a terminal 300 that comprises a printer and preferably a display as well. The carrier's representative inspects manifest card 2' into the terminal, which reads the manifest data from manifest card 2' and outputs it in human readable form via the display and/or the printer. The carrier's representative then uses the output manifest data to verify that the manifest data accurately reflects the group of parcels that he has received. The truck terminal is programmed to input into manifest card 2' such information as date and time of pick-up, truck identification information, carrier's representative identification information, an authorization code, and point of origin. This information will be referred to as "consignment information." The truck terminal advantageously comprises a keyboard through which the carrier's representative enters some of the information to be input into manifest card 2'."

Dlugos discloses a truck terminal that is programmed to input into a manifest card the date and time of pick-up, truck identification information, an authorization code and point of origin.

The art cited by the Examiner does not disclose or anticipate steps a and i of claim 1.

PRAYER FOR RELIEF

Appellants' respectfully submit that appealed claims 1 – 3 and 5 - 24 in this application are patentable. It is requested that the Board of Appeal overrule the Examiner and direct allowance of the rejected claims.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. A method for providing proof of mailing one or more mail pieces by a mailer, that are submitted by a mailer to a post office in a bundle or in a tray, the method comprises the steps of:

- (a) placing an identification code on individual mail pieces with a postage meter at a location other than the post office, wherein the identification code identifies a sender of the mail piece a service requested for the mail piece and uniquely identifies individual mail pieces;
- (b) placing the identification codes of the mail pieces in a manifest;
- (c) transmitting the identification codes to a data center;
- (d) depositing one or more mail pieces and the manifest with the post office at the post office or at a location other than the post office;
- (e) attempting reading by the post office at a location other than the post office or at the post office the identification codes in the manifest;
- (f) attempting reading by the post office at a location other than the post office or at the post office the identification code that is on one more mail pieces;
- (g) retrieving the identification codes from the data center and the identification codes read by the post office;
- (h) notifying the postage meter that individual identification codes have been received by the data center and individual mail pieces identification codes have been read or not read by the post office; and
- (i) printing at the postage meter a certificate indicating the identification code that has been read by the post office and the service requested for the mail piece.

2. The method claimed in claim 1, wherein the postage meter is an electronic postage meter.

3. The method claimed in claim 1, wherein the postage meter is a computer postage meter with a secure storage device.

5. The method claimed in claim 1, further including the step of:
printing on the certificate the date the mail piece was read.
6. The method claimed in claim 5, further including the step of:
printing on the certificate the time the mail piece was read.
7. The method claimed in claim 1, further including the step of:
printing at the postage meter a certificate indicating that the identification code and the service request has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter.
8. The method claimed in claim 1, wherein the identification code is a unique number.
9. The method claimed in claim 1, wherein the identification code comprises:
the serial number of the postage meter, and the date and time that the identification code was affixed to the mail piece.
10. The method claimed in claim 1, further including the steps of:
 - (a) printing a postal indicia on the mail piece for the payment of postage and any related postal fees; and
 - (b) charging the postage meter for printing the postal indicia.
11. The method claimed in claim 10, further including the step of:
refunding the postage meter account for part or all of the postage and fees that have been placed on mail pieces having identification codes that have not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter.

12. The method claimed in claim 1, further including the step of:

notifying the mailer via telephone that individual identification codes have been received by the data center, and individual mail pieces' identification codes have been read or not read by the post office.

13. The method claimed in claim 1, further including the step of:

notifying the mailer via e-mail that individual identification codes have been received by the data center, and individual mail pieces' identification codes have been read or not read by the post office.

14. The method claimed in claim 1, further including the step of:

notifying the mailer via facsimile that individual identification codes have been received by the data center, and individual mail pieces' identification codes have been read or not read by the post office.

15. The method claimed in claim 1, further including the steps of:

identifying the mailer's reference number of the document contained in the mail piece.

16. The method claimed in claim 15, further including:

- (a) printing at the postage meter a certificate indicating that the identification code has not been read by the post office after a certain period of time has elapsed after the data center has received the identification code from the meter; and
- (b) printing the mailer's reference number on the certificate of induction.

17. The method claimed in claim 16, further including the step of:

printing the mailer's name on the certificate of induction.

18. The method claimed in claim 15, further including the step of:

- (a) printing at the postage meter a certificate indicating that the identification code has been read by the post office; and

- (b) printing the mailer's reference number on the certificate of induction.
19. The method claimed in claim 18, further including the step of:
printing the mailer's name on the certificate of induction.
20. The method claimed in claim 1, wherein the identification code comprises: a United States Special Service Tracking Number.
21. The method claimed in claim 1, further including the step of:
printing at the postage meter a certificate indicating the identification codes from the manifest that has been read by the post office.
22. The method claimed in claim 21, further including the step of:
printing at the postage meter the date the manifest has been read by the post office.
23. The method claimed in claim 21, further including the step of:
printing at the postage meter the time the manifest has been read by the post office.
24. The method claimed in claim 1, wherein the service requested is certified mail.

IX. EVIDENCE APPENDIX

There is no additional evidence to submit.

X. RELATED PROCEEDING APPENDIX

There are no related Appeals and Interferences.